

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re:	§	Case No.: 18-33815
Koontz-Wagner Custom Controls Holdings, LLC	§	Chapter 7
Debtor.	§	
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Rodney D. Tow Ch. 7 Trustee	§	
Plaintiff,	§	
v.	§	Adversary No.: 20-03281
	§	
WeldForce Solutions, LLC	§	
Defendant.	§	

DEFENDANT’S AMENDED ANSWER TO PLAINTIFF’S COMPLAINT

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Defendant WeldForce Solutions, LLC (“Defendant”) in the above-entitled and numbered cause, files this Amended Answer to Plaintiff’s Complaint as follows:

JURISDICTION AND VENUE

1. Defendant admits the allegations contained in paragraph 1.
2. Defendant admits the allegations contained in paragraph 2.
3. Defendant admits the allegations contained in paragraph 3.
4. Defendant admits the allegations contained in paragraph 4.

NATURE OF THE CASE

5. Defendant denies the allegations contained in paragraph 5.

PARTIES

6. Defendant admits the allegations contained in Paragraph 6.
7. Defendant admits the allegations contained in Paragraph 7.
8. Defendant admits the allegations contained in Paragraph 8.
9. Defendant admits the allegations contained in Paragraph 9.

CASE BACKGROUND

10. Defendant admits the allegations contained in paragraph 10.

11. Defendant admits the allegations contained in paragraph 11.

COUNT ONE

Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547

12. Defendant denies the allegations contained in paragraph 12.
13. Defendant denies the allegations contained in Paragraph 13.
14. Defendant denies the allegations contained in Paragraph 14.
15. Defendant denies the allegations contained in Paragraph 15.
16. Defendant denies the allegations contained in Paragraph 16.
17. Defendant denies the allegations contained in Paragraph 17.
18. Defendant denies the allegations contained in Paragraph 18.
19. Defendant denies the allegations contained in Paragraph 19.
20. Defendant denies the allegations contained in Paragraph 20.
21. Defendant denies the allegations contained in Paragraph 21.
22. Defendant denies the allegations contained in Paragraph 22.
23. Defendant denies the allegations contained in Paragraph 23.
24. Defendant denies the allegations contained in Paragraph 24.

COUNT TWO

Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550

25. Defendant denies the allegations contained in paragraph 25.
26. Defendant denies the allegations in paragraph 26.
27. Defendant denies the allegations in paragraph 27.

COUNT THREE

Disallowing, Barring and Expunging the Defendant's Claims Pursuant to 11 U.S.C. § 502

28. Defendant denies the allegations contained in paragraph 28.
29. Defendant denies the allegations in paragraph 29.

- 30. Defendant admits the allegations in paragraph 30.
- 31. Defendant denies the allegations in paragraph 31.
- 32. Defendant denies the allegations in paragraph 32.

AFFIRMATIVE DEFENSES

- 33. Without waiver, and subject to further discovery, Plaintiff's claims may be barred, in whole or in part, by the following defenses: (1) estoppel, (2) waiver, (3) unclean hands, (4) payment, (5) accord and satisfaction, and (6) offset.
- 34. Defendant is not liable to Plaintiff because Plaintiff has failed to mitigate its damages.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant WeldForce Solutions, LLC pray that Plaintiff take nothing by this suit, dismiss Plaintiff's suit with prejudice, that Defendant recover its costs, and for such other and further relief, general and special, at law or in equity, to which Defendant may show itself to be justly entitled.

Respectfully submitted,

KEARNEY, MCWILLIAMS & DAVIS

/s/ Jason M. Klein

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Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that on December 30, 2020, a true and correct copy of the foregoing Defendants' Original Answer was served upon all other counsel of record, as listed below, by filing that instrument, electronic filing with the electronic service provider for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Jason M. Klein
Jason M. Klein